THE PROCEEDINGS AT THE KING's BENCH-BAR, *WESTMINSTER*, Againſt TITUS OATS,

On *Saturday*, the *16th.* of this Inſtant *May*, 1685.

Containing

What Remarkably hapned on his Receiving Sentence upon his being Twice Convicted of

PERJURY.

Together

With the expreſs Particulars of the ſaid SENTENCE.

Entred according to Order.

TItus Oats being Tryed upon Two ſeveral Informations for PERJURY, on the *8th.* and *9th.* Inſtant, at the King's Bench-Bar, *Weſtminſter*, and the Verdicts paſſing againſt him, after a full Hearing, he made ſeveral Objections, and prayed, he might have Councel aſſigned him, to debate in Point of Law ſuch Errors as were convenient to be aſſigned upon the Firſt Information, the Import of which Information was:

That he had ſworn himſelf to be at a Conſult of the Fathers, at the White-Horſe *Tavern in the* Strand, *on the* 24th. *of* April, 1678. *And that there they came to a Reſolve upon the Death of His late moſt Sacred Majeſty King* Charles II. *And that he the ſaid* Titus Oats, *upon their ſeparating into ſmall Companies, carried the Reſolve in writing from Chamber to Chamber, to be Signed, and ſaw it Signed by* Ireland, Fenwick, *and* Gawin; *when, in truth, he was not there at that time, nor carried any Writing to that Purport to be Signed,* &c.

To this Requeſt of his, the Court conſented; and upon a ſecond Requeſt, gave him time till *Saturday*, the *16th.* of *May*, 1685. to conſider it, Council being for that purpoſe aſſigned him; when, about Ten in the morning of the day ſpecified, under the conduct of a ſtrong Guard, he was brought to the Bar.

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When after ſome Motions, Mr. *Attorney General* demanded Judgment on the behalf of the King, againſt the Priſoner? Upon which, he was asked, What he could ſay, why the Judgment of the Court ſhould not paſs upon him? To which he anſwered, *that he could not get the Records till* Thurſday *laſt, and therefore was not prepared as he ought, praying that he might have further time till* Munday: But was anſwered, that he had in that kind been indulged already, more than uſual; for that the Courſe of the Court was, to proceed in four days after Verdict. Then he deſired Mr. *Wallop*, Counſellor at Law, might Speak on his behalf, as to the Errors in Stay of Judgment; but he replied, he had nothing Material to offer: Whereupon the Priſoner ſaid, *he had delivered a paper relating thereto, to Mr.* Attorney General; which was produced, and Read, ſpecifying, *that a perſon Swearing for the King in caſe of High-Treaſon, ought not to be brought upon his Tryal for Perjury*, &c.

That the word *Signat*, in the firſt Information, ſhould, according to the Tenor, have been *Signant*. He Objected ſomething about the Indictment being laid in *London*; as likewiſe Conſiſtence of the whole Matter, on which, the Informations upon which he ſtood Convicted, was Grounded, *&c.* was only in Point of Time. To which he was Anſwered, That it was Lawful to Proceed againſt any Perſon notwithſtanding his Giving Evidence for the King, if there were palpable Demonſtrations of his Forſwearing himſelf, eſpecially in a Caſe of ſo High a Concern; for that in all Caſes Criminal, as to Life, *&c.* the Evidence Swore for the King, unleſs in Caſe of an Appeal, *&c.*

That if a man might be Convicted of Perjury, for ſwearing the ſtealing of a Horſe, or the like, when the contrary appeared; much more in caſe of Forſwearing, in a matter of ſo great Conſequence.

That as for the miſtake of the Word, that was not material; for it did not excuſe him from being perjured.

As to the point of Time, it was wonderfully material in this Caſe, as well for the diſproving the Treaſon, as that he was Forſworn; for if he was not there at the Time he ſwore to, he was not privy to, nor knowing that any ſuch thing was done.

That if *Ireland* was in *Staffordſhire* at that Time he ſwore him to be at *London*, *&c.* he could not be guilty of Treaſon perſonally in *Middleſex*, as he, (meaning the Priſoner) had ſworn, and therefore there appeared nothing for him that might delay the Judgment that was to paſs upon him on ſo fair and full a Conviction, *&c.*

Thus, or to this effect, he being anſwered, and his Paper over-ruled, the Right Honourable the Lord Chief Juſtice proceeded to declare the Heinouſneſs of the Crime, ſaying, It was formerly, by the Law of this Land, puniſhable with Death. And after that, being ſomewhat moderated, the Penalty was, to have the Parties Tongue cut out. And being yet farther taken into Conſideration, the puniſhment was left to the diſcretion of the Court. So they proceeded not to Life or Member, notwithſtanding his Lordſhip ſaid he had Conſulted all the Judges of *England*, and that they were unanimouſly of opinion, that the power was in the Court to proceed to any Sentence under that reſtriction; and having in a moſt Emphatical Speech, from point to point, related the matter at large, his Lordſhip left the Pronounciation of the Sentence to Mr. Juſtice *Withens*, who told the Priſoner, that his Nature was Compaſſionate, and that he delights not in paſſing Sentence on his fellow Creatures; yet in caſe of ſuch a Crime, he muſt confeſs he did it without remorſe, and having further expreſſed himſelf in deteſtation of the Priſoners offence, and Eloquently diſcourſed it at large, he was pleaſed to Pronounce the following Sentence as the Judgment of the Court, *viz.*

That *Titus Oats* ſhould be Fined 1000 Mark upon each Conviction.

That on *Munday* next, he walk about *Weſtminſter-hall*, with a Paper upon his Forehead, mentioning his Crime: And afterward ſtripped of his Canonical Habit, Stand Upon and In the Pillory before the Hall-Gate, between the hours of Eleven and One, for the ſpace of an hour to Stand.

The *Tueſday* following, for the ſpace of an hour, before the *Royal Exchange.*

On *Wedneſday*, to be Publickly whipped from *Aldgate* to *Newgate.*

On *Fryday* to be whipped from *Newgate* to *Tyburn.*

To ſtand in the Pillory the Ninth of *Auguſt* next, at *Weſtminſter.*

The Tenth at *Charing-croſs.*

The Eleventh, at *Temple-Bar.*

The Second of *September*, at the *Royal Exchange.*

The 24*th.* of *April* at *Tyburn*, with his Face to the Gallows.

The laſt five times ſtanding in the Pillory, to be performed Annually, during his Life, and likewiſe impriſoned for Life. Whereupon he was taken from the Bar.

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